IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 348 (M/S) of 2006

1. Nityanand Pandey
2. Promod Kumar Pandey
3. Raghvendra Dutt Pandey
   All sons of Sri Daya Nand Pandey
4. Akhilanand Pandey
5. Arun Kumar Pandey
   Both sons of Sri Kashi Nath Pandey
6. Smt. Gujrati Devi
   W/o Late Sri Vansh Narayan Pandy
   All R/o Village Kolra Kirtpur,
   Tehsil Kichha
   District Udham Singh Nagar ... Petitioners

Versus

1. District Deputy Director of
   Consolidation/Additional District
   Magistrate (Finance)
   Udham Singh Nagar
   District Udham Singh Nagar
2. Smt. Prassani Devi
   W/o Sri Shishu Pal Singh
   R/o Village Kolra Kiratpur
   Tehsil Kichha
   District Udham Singh Nagar ...Respondents

Sri M.C. Bansal, learned counsel for the petitioners.

Hon'ble B.C.Kandpal,J.

By means of this writ petition, the petitioner has prayed for the following claims:-

I) To issue writ, order or direction in the nature of certiorari to quash the order dated 27.03.2006 (annexure No. 1) passed by the respondent No. 1.

II) To issue a writ, order or direction in the nature of mandamus commanding the respondent No. 2, not to sale off the land in dispute having old plot No. 27 area 47 Bigha 12 Biswa and old plot No. 30/2 area 11 Bigha 14 Biswa (New plot No. 29 & 31 respecrively) situated in

village Kolra, Tehsil Kichha District Udham Singh Nagar till the final Judgment comes in Consolidation Revision No. 52/96 of 1996-97 "Vansh Narayan Pandey and others Vs Prassani Devi."

Brief facts of the case are that the revision before the court of District Deputy Director of Consolidation / Additional District Magistrate (Finance) Udham Singh Nagar was filed by the petitioner and the same is pending. The petitioner moved an application on 27th March, 2006 for obtaining the injunction order before the court. The court was pleased to pass an order that no injunction order is needed at this stage.

It is pertinent to mention here that the revision is pending since 1996 and after a period of 10 years, the petitioner have filed this application for obtaining temporary injunction before the Court. The petitioner ought to have applied before the court concerned for early disposal of the revision.

In the circumstances stated above I direct that the respondent No. 1 – District Deputy Director of Consolidation/ Additional District Magistrate (Finance), Udham Singh Nagar should decide the revision within a period of one month positively from the date of production of the certified copy of the order.

With the aforesaid observation, the writ petition is disposed of finally.

(B.C. Kandpal, J.)

07.04.2006
ASWAL